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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,471	12/19/2001	Raymond Moore	020375-004500US	1898
20350	7590	07/07/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2175	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/028,471	MOORE, RAYMOND
	Examiner	Art Unit
	Neveen Abel-Jalil	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 December 2001.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 3/11/03, 2/2/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 16-22, and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gailey et al. (U.S. Pub. No. 2002/0161647 A1).

As to claim 1, Gailey et al. discloses a method for characterizing market distribution for a business having a plurality of business representatives, the method comprising:  
determining a location for each of the plurality of business representatives (See page 4, paragraphs 0043-0044);  
determining a location for each of a plurality of competitor representatives comprised by one or more competitors to the business (See pages 11-12, paragraph 0108);  
populating at least one database with the locations for the business representatives and the locations for the competitor representatives (See page 12, paragraphs 0110-0113); and

assigning a locator identification to each distinct location for use as a pointer to the locations within the at least one database (See page 12, column 2, lines 39-52).

As to claim 2, Gailey et al. discloses wherein the locator identification is unique to a street address (See page 8, paragraph 0075).

As to claim 3, Gailey et al. discloses wherein determining the location for each of the plurality of competitor representatives comprises accessing an representative-locator service on an internet web site for the one or more competitors (See page 12, paragraphs 109-0113).

As to claim 4, Gailey et al. discloses wherein accessing the representative-locator service is performed automatically by a web robot (See page 6, paragraph 0055, also see page 5, paragraph 0049, wherein “robot” reads on “mining”).

As to claim 5, Gailey et al. discloses wherein determining the location for each of the plurality of competitor representatives comprises accessing an authenticated source identifying transactions preformed by the competitor representatives (See page 5, paragraphs 0046-0051).

As to claim 6, Gailey et al. discloses wherein the authenticated source comprises a publicly available government record (See page 12, column 2, lines 46-52, wherein “publicly available government record” reads on “transaction... merchant id”).

As to claim 7, Gailey et al. discloses further comprising quantifying competition with a distance measure derived from the locations (See page 8, paragraph 0081).

As to claim 8, Gailey et al. discloses wherein the distance measure accounts for differences in service levels provided by the business representatives and competitor representatives are nonuniform (See page 5, paragraphs 0048-0053).

As to claim 9, Gailey et al. discloses further comprising correlating the locations with demographic data (See page 12, paragraphs 0111-0113).

As to claim 10, Gailey et al. discloses wherein the demographic data comprise census data (See page 11, paragraphs 0105-0107).

As to claim 11, Gailey et al. discloses further comprising applying a filter criterion to the correlated data to characterize geographic divisions within the demographic data by market penetration (See page 11, paragraphs 0101-0102, also see page 6, paragraph 0056).

As to claim 16, Gailey et al. discloses a computer-readable storage medium having a computer-readable program embodied therein for directing operation of a computer system including a communications system, a processor, and a storage device, wherein the computer-readable program includes instructions for operating the computer system (See page 4, paragraph

0037, also see page 5, paragraphs 0046-0047) to characterize market distribution for a business having a plurality of business representatives in accordance with the following:

maintaining at least one database on the storage device to store a location for each of the plurality of business representatives and to store a location for each of a plurality of competitor representatives comprised by one or more competitors to the business (See page 9, paragraphs 0087-0089); and

assigning a locator identification to each distinct location with the processor for use as a pointer to the locations within the at least one database (See page 9, paragraph 0089, also see page 4, paragraphs 0043-0044, and see page 4, paragraph 0038).

As to claim 17, Gailey et al. discloses wherein the locator identification is unique to a street address (See page 5, paragraphs 0050-0051).

As to claim 18, Gailey et al. discloses wherein the computer-readable program further includes instructions for determining the location for each of the plurality of competitor representatives by accessing an representative-locator service with the communications system on an internet web sited for the one or more competitors (See page 10, paragraphs 0090-0095).

As to claim 19, Gailey et al. discloses wherein the computer-readable program further includes instructions for determining the location for each of the plurality of competitor representatives by accessing a publicly available source identifying transactions performed by

the competitor representatives (See page 11, paragraphs 0102-0103).

As to claim 20, Gailey et al. discloses wherein the computer-readable program further includes instructions for operating the processor to quantify competition with a distance measure derived from the locations (See page 7, paragraphs 0068-0069).

As to claim 21, Gailey et al. discloses wherein the computer-readable program further includes instructions for operating the processor to correlate the locations with demographic data (See page 5, paragraphs 0046-0048).

As to claim 22, Gailey et al. discloses wherein the computer-readable program further includes instructions for operating the processor to apply a filter criterion to the correlated data to characterize geographic divisions within the demographic data by market penetration (See page 11, paragraphs 0101-0102, also see page 6, paragraph 0056, also see page 12, paragraphs 0110-0113).

As to claim 24, Gailey et al. discloses a computer-readable storage medium having a computer-readable program embodied therein for directing operation of a computer system including a communications system, a processor, and a storage device, wherein the computer-readable program includes instructions for operating the computer system to populate a competitor-representative database (See page 2, paragraphs 0018-0020) in accordance with the following:

accessing a representative-locator service maintained by a competitor at an internet web site (See pages 11-12, paragraph 0108);  
extracting location information for a plurality of competitor representatives from the representative-locator service (See page 12, paragraph 0109); and  
storing the location information in the competitor-representative database (See page 12, column 2, lines 39-52).

As to claim 25, Gailey et al. discloses further comprising:  
extracting product information for the plurality of competitor representatives from the internet web site (See page 12, paragraph 0110); and  
storing the product information in the competitor-representative database (See page 12, paragraph 0113).

As to claim 26, Gailey et al. discloses a computer system comprising:  
a communications system (See page 4, paragraph 0036);  
a storage device (See page 12, paragraph 0113);  
a processor in communication with the communications system and the storage device (See page 4, paragraph 0037, also see page 5, paragraphs 0046-0047); and  
a memory coupled with the processor, the memory comprising a computer-readable storage medium having a computer-readable program embodied therein for operating the computer system to characterize market distribution for a business having a plurality of business representatives (See page 9, paragraphs 0085-0086), the computer-readable program including:

instructions for maintaining at least one database on the storage device to store a location for each of the plurality of business representatives and to store a location for each of a plurality of competitor representatives comprised by one or more competitors to the business (See page 9, paragraphs 0087-0089); and

instructions for assigning a locator identification to each distinct location with the processor for use as a pointer to the locations within the at least one database (See page 9, paragraph 0089, also see page 4, paragraphs 0043-0044, and see page 4, paragraph 0038).

As to claim 27, Gailey et al. discloses wherein the computer-readable program further includes instructions for determining the location of each of the plurality of competitor representatives by accessing an representative-locator service with the communications system on an internet web site for the one or more competitors (See page 5, paragraphs 0046-0049).

As to claim 28, Gailey et al. discloses wherein the computer-readable program further includes instructions for operating the processor to correlate the locations with demographic data (See page 5, paragraphs 0046-0048).

As to claim 29, Gailey et al. discloses wherein the computer-readable program further includes instructions for operating the processor to apply a filter criterion to the correlated data to characterize geographic divisions within the demographic data by market penetration (See page 11, paragraphs 0101-0102, also see page 6, paragraph 0056).

As to claim 30, Gailey et al. discloses wherein the memory further comprises a second computer-readable storage medium having a second computer-readable program embodied therein for operating the computer system to populate the at least one database (See pages 6-7, paragraph 0065), the second computer-readable program including:

instructions for accessing a representative-locator service maintained by the one or more competitors at an internet web site (See pages 11-12, paragraph 0108);

instructions for extracting location information for the plurality of competitor representatives from the representative-locator service (See page 12, paragraph 0109); and

instructions for storing the location information in the at least one database (See page 12, column 2, lines 39-52).

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12-15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gailey et al. (U.S. Pub. No. 2002/0161647 A1) in view of Sussman et al. (U.S. Pub. 2003/0078788 A1).

As to claim 12, Gailey et al. does not teach further comprising displaying the locations graphically according to the geographic divisions, wherein the geographic divisions are distinctly displayed according to the filter criterion.

Sussman et al. teaches further comprising displaying the locations graphically according to the geographic divisions, wherein the geographic divisions are distinctly displayed according to the filter criterion (See page 7, paragraphs 0097-0100, also see page 6, paragraphs 0087-0090).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gailey et al. to include further comprising displaying the locations graphically according to the geographic divisions, wherein the geographic divisions are distinctly displayed according to the filter criterion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gailey et al. by the teaching of Sussman et al. to include further comprising displaying the locations graphically according to the geographic divisions, wherein the geographic divisions are distinctly displayed according to the filter criterion because it reduces business costs by aiding in the sales cycle management and automation of sales prospecting (See Sussman et al. page 2).

As to claim 13, Gailey et al. does not teach further comprising displaying the locations graphically.

Sussman et al. teaches further comprising displaying the locations graphically (See page 7, paragraphs 0097-0100, also see page 6, paragraphs 0087-0090).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gailey et al. to include further comprising displaying the locations graphically.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gailey et al. by the teaching of Sussman et al. to include further comprising displaying the locations graphically because it reduces business costs by aiding in the sales cycle management and automation of sales prospecting (See Sussman et al. page 2).

As to claim 14, Gailey et al. as modified teaches wherein displaying the locations graphically comprises displaying the locations on a map (See Sussman et al. page 7, paragraphs 0097-0100, also see Sussman et al. page 6, paragraphs 0087-0090).

As to claim 15, Gailey et al. as modified teaches wherein the at least one database includes product information for the business representatives and for the competitor representatives, the method further comprising displaying the product information for at least one of the locations (See Sussman et al. page 7, paragraphs 0097-0100, also see Sussman et al. page 6, paragraphs 0087-0090).

As to claim 23, Gailey et al. does not teach wherein the computer-readable program further includes instructions for:

generating a graphical representation of the locations according to the geographic divisions, the graphical representation including a distinction among the geographic divisions

according to the filter criterion; and transmitting the graphical representation over the communications system.

Sussman et al. teaches wherein the computer-readable program further includes instructions for:

generating a graphical representation of the locations according to the geographic divisions, the graphical representation including a distinction among the geographic divisions according to the filter criterion (See Sussman et al. page 7, paragraphs 0097-0100, also see Sussman et al. page 6, paragraphs 0087-0090); and

transmitting the graphical representation over the communications system (See Sussman et al. abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gailey et al. to include generating a graphical representation of the locations according to the geographic divisions, the graphical representation including a distinction among the geographic divisions according to the filter criterion; and transmitting the graphical representation over the communications system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gailey et al. by the teaching of Sussman et al. to include generating a graphical representation of the locations according to the geographic divisions, the graphical representation including a distinction among the geographic divisions according to the filter criterion; and transmitting the graphical representation over the communications system because it reduces business costs by aiding in the sales cycle management and automation of sales prospecting (See Sussman et al. page 2).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leal (U.S. Patent No. 6,189,003 B1) teaches online business directory with predefined search template.

Marcus (U.S. Patent No. 6,208,998 B1) teaches online directory.

Musk et al. (U.S. Patent No. 6,148,260) teaches interactive network directory.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Neveen Abel-Jalil  
June 27, 2004

*Charles Rones*  
CHARLES RONES  
PRIMARY EXAMINER